

REMARKS

Allowable Subject Matter

In the Office Action, claims 5-9, 17-19 and 25 were objected to for depending from a rejected base claim, but were indicated as being allowable if rewritten in independent form including all of the limitations of their base claims and any intervening claims.

Claim 5 has been amended into independent form herein, adding all of the subject matter of independent claim 1 and dependent claims 2 and 3 to amended claim 5. It is therefore submitted that claim 5 is allowable over the prior art.

Claim 6 and 7 depend from claim 5 and therefore are also allowable over the prior art.

Claim 8 has been amended into independent form herein, adding all of the subject matter of independent claim 1 to claim 8. It is therefore submitted that claim 8 is allowable over the prior art.

Claim 9 depends from claim 8 and therefore is also allowable over the prior art.

Claim 17 has been amended into independent form herein, adding all of the subject matter of independent claim 10 and dependent claim 15 to amended claim 17. It is therefore submitted that claim 17 is allowable over the prior art.

Claims 18 and 19 both depend from amended claim 17 and therefore are allowable over the prior art.

Claim 25 has been amended into independent form herein adding all of the subject matter of independent claim 20 to claim 25. It is therefore submitted that claim 25 is allowable over the prior art.

Rejection of Claims 1, 20, and 21 under 35 U.S.C. §102(b) in View of Britton et al.

It is fundamental patent law that an anticipation rejection requires that a prior art reference identically disclose the invention.

For a prior-art reference to anticipate, every element of the claimed invention must be identically shown in a single reference. *In Re Bond*, 910 F.2d 831, 15 U.S.P.Q. 2d 1566 (Fed. Cir. 1990).

Of the above-rejected claims, claims 1 and 20 are independent claims. Each of claims 1 and 20 have been amended herein to set forth that the motive source of each tubing support fixture supports the fixture on the table surface for movement of the support fixture over the table surface in both mutually perpendicular X axis and Y axis directions. In contrast, the Britton reference discloses a specimen carrier 10 having a pedestal portion 16 that is adapted to be engaged and manipulated by certain components of an automated conveyor system for the purpose of advancing the carrier along a predetermined path (column 4, lines 46-49). The path is defined by a pair of opposing rails 24, 26 of a conveyor system 20 (column 5, lines 17-19). The Britton reference does not disclose a motive source for moving the support fixture in mutually perpendicular X and Y axis directions as set forth in amended claims 1 and 20, and therefore the reference does not identically show the subject matter of these claims. Claims 1, 20 and 21 are therefore allowable over the Britton reference and the remaining prior art of record.

Rejection of Claims 1-3, and 20-24 for being Anticipated under 35 U.S.C. §102(b) in View of Quinlan et al.

Of the above-rejected claims, claims 1 and 20 are independent claims. As stated earlier, claims 1 and 20 have been amended herein to set forth that each motive source supports its tubing support fixture on the table for movement of the

support fixture in both the mutually perpendicular X axis direction and the Y axis direction.

In contrast to the above, the Quinlan reference discloses specimen carriers 4 that are transported on a moving conveyor 44. The specimen carriers 4 are restrained between pairs of support rails 50 that define lanes of equal width that extend along the length of the conveyor 44. The length of the conveyor 44 can include straight and curved runs (column 5, lines 5-8 and lines 19-22). The Quinlan reference fails to identically show a separate motive source supporting a tubing support fixture on a table surface for movement of the support fixture in both the mutually perpendicular X axis direction and the Y axis direction as set forth in amended claims 1 and 20. Because the Quinlan reference does not identically show these features of the invention, the reference fails to anticipate the subject matter of claims 1 and 20, and claims 1 and 20 are allowable over the prior art of record.

Claims 21-24 all depend from claim 20 and therefore are allowable over the prior art for the reasons set forth above.

Claim 2 has been amended into independent form herein, adding all of the subject matter of independent claim 1 to claim 2. Among other features of the invention, claim 2 includes a recitation of the motive source of each support fixture supporting the support fixture for movement on the table surface in mutually perpendicular directions over the table surface. This feature of the invention is not identically shown in the Quinlan reference. It is contended in the rejection of claim 2 that gate 94 shown in figures 6A-6C identically shows this feature of the invention. However, the rejection contends that the gate 94 moves in mutually perpendicular directions. In contrast, claim 2 requires that the support fixture be supported by and be moved in mutually perpendicular directions by the motive source. In the rejection

in view of the Quinlan reference, the gate 94 is interpreted as the motive source and the specimen carrier 4 is the support fixture. The rejection does not identically disclose a motive source that supports the specimen carrier 4 and moves the specimen carrier 4 in mutually perpendicular directions. Therefore, the Quinlan reference fails to anticipate the subject matter of claim 2, and claim 2 is allowable over the prior art.

Claim 3 depends from claim 2 and is allowable over the Quinlan reference for the reasons set forth above.

Rejection of Claim 4 under 35 U.S.C. §103(a) as being Obvious in View of Quinlan and Britton

Claim 4 depends from claim 3 which depends from new independent claim 2. As explained above, the Quinlan reference, the primary reference relied on in rejecting claim 4, fails to disclose a motive source supporting the support fixture for movement of the support fixture in mutually perpendicular directions over the table surface. This shortcoming is not overcome by the disclosure of the Britton reference. As explained earlier, the Britton reference discloses a carrier 10 that is transported along a conveyor path between a pair of rails 24, 26. The carrier 10 is also incapable of moving in mutually perpendicular directions. Because both references relied on in rejecting claim 4 do not disclose or suggest a support fixture that is capable of moving in mutually perpendicular directions over a table surface, the references fail to provide sufficient information to render obvious the subject matter of claim 4. Claim 4 is therefore allowable over the prior art.

Rejection of Claims 10 and 12-15 for being Obvious under 35 U.S.C. §103(a) in View of Quinlan

Of the rejected claims, claim 10 is an independent claim and claims 12-15 all depend from claim 10. Claim 10 has been amended herein to set forth that each tubing support fixture has a separate motive source supporting the support fixture on the table for movement of the support fixture in both the mutually perpendicular X axis and Y axis directions. As explained earlier, the Quinlan reference discloses specimen carriers 4 that move along a conveyor 44 between pairs of rails 50. There is no suggestion of a motive source that supports the carrier 4 and moves the carrier in perpendicular directions. The Quinlan reference does not suggest the subject matter of amended claim 10, and does not make obvious that subject matter. Claim 10 and its dependent claims 12-15 are therefore allowable over the Quinlan reference and the remaining prior art of record.

Rejection of Claims 10 and 12-16 as being Obvious under 35 U.S.C. §103(a) in View of Britton

As set forth above, claim 10 has been amended to recite each support fixture having a separate motive source supporting the support fixture on the table for movement in both the mutually perpendicular X axis and Y axis directions. In contrast to this, the Britton reference discloses a carrier 10 that is moved along a transport path between a pair of opposing rails 24, 26. The reference does not suggest the subject matter of amended claim 10, and does not make obvious that subject matter. Claim 10 and its dependent claims 12-16 are therefore allowable over the prior art of record.

Rejection of Claim 11 as being Obvious under 35 U.S.C. §103(a) in View of Quinlan and Ensinger

Claim 11 depends from claim 10, which was shown above to recite subject matter not suggested by the Quinlan reference. The shortcomings of the Quinlan

reference are not overcome by the Ensinger reference, which discloses a conveyor that comprises a conveyor belt 36 that moves in one direction. Both the Quinlan and Ensinger references fail to suggest the separate motive source of each tubing support fixture recited in claim 11, that supports the fixture on the table surface for movement of the fixture in both the mutually perpendicular X axis and Y axis directions. Because neither of the prior art references suggest the subject matter of claim 10 from which claim 11 depends, neither of the references make obvious the subject matter of claim 11. Claim 11 is therefore allowable over the prior art of record.

It is respectfully submitted that in view of the amendments and remarks presented herein, the application is in condition for allowance and a favorable action is requested.

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